

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Norfolk Division

BASF PLANT SCIENCE, LP,)

Plaintiff,)

v.)

COMMONWEALTH SCIENTIFIC AND)

INDUSTRIAL RESEARCH)

ORGANISATION,)

Defendant)

COMMONWEALTH SCIENTIFIC AND)

INDUSTRIAL RESEARCH)

ORGANISATION, GRAINS RESEARCH)

AND DEVELOPMENT CORP., AND)

NUSEED PTY LTD.,)

Plaintiffs-)

Counterclaimants,)

v.)

BASF PLANT SCIENCE, LP, AND)

CARGILL, INC.,)

Defendants-)

Counterdefendants.)

C.A. No. 2:17-CV-503-HCM-LRL

**COUNTERCLAIM DEFENDANT
CARGILL, INCORPORATED'S MOTION TO DISMISS**

Counterclaim Defendant Cargill, Incorporated ("Cargill"), by and through the undersigned counsel, respectfully files this Motion to Dismiss the counterclaims filed by Commonwealth Scientific and Industrial Research Organisation, Grains Research and

Development Corp., and Nuseed PTY LTD., for Lack of Personal Jurisdiction and Improper Venue pursuant to Rule 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure. For the reasons stated in the Memorandum of Law filed contemporaneously herewith, Cargill respectfully requests that this Honorable Court grant the instant Motion, dismiss all Counterclaims filed against Cargill in their entirety, and award such other and further relief as this Court deems just and proper.

Respectfully submitted,

CARGILL, INCORPORATED
By Counsel

/s/

Jeffrey S. Poretz, Esquire
Virginia Bar No. 38529
jporetz@milesstockridge.com
Carl R. Schwartz, Esquire
Virginia Bar No. 27399
cschwartz@milesstockridge.com
MILES & STOCKBRIDGE P.C.
1750 Pinnacle Drive, Suite 1500
Tysons Corner, Virginia 22102-3833
Telephone number (703) 903-9000
Facsimile Number: (703) 610-8686

and

Robert J. Gilbertson, *admitted pro hac vice*
Kathryn N. Hibbard, *admitted pro hac vice*
Sybil L. Dunlop, *admitted pro hac vice*
GREENE ESPEL PLLP
222 S. Ninth Street, Suite 2200
Minneapolis, MN 55402
bgilbertson@greeneespel.com
khibbard@greeneespel.com
sdunlop@greeneespel.com
(612) 373-0830
*Counsel for Counterclaim Defendant Cargill,
Incorporated*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 31st day of October, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

_____/s/
Jeffrey S. Poretz